

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2461**

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**Introduced by Assembly Member Davis**

February 24, 2012

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An act ~~relating to law enforcement officers~~ to add Section 383 to the Public Utilities Code, relating to energy efficiency.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2461, as amended, Davis. ~~Law enforcement officers: powers of arrest.~~ *Low-income energy efficiency programs.*

*Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined. Existing law, adopted as part of electrical restructuring, requires the PUC to supervise the administration of certain low-income energy efficiency programs, in consultation with the Low-Income Oversight Board, with the programs being funded through a nonbypassable charge upon distribution that is collected on the basis of usage. Existing law requires the PUC to ensure that low-income ratepayers are not jeopardized or overburdened by monthly energy expenditures, recognizing that electricity is a basic necessity and that all residents should be able to afford essential electricity and gas supplies. Existing law authorizes energy expenditures to be reduced, for these purposes, through the establishment of different rates for low-income ratepayers, different levels of rate assistance, and energy efficiency programs. Existing law requires the PUC to allocate funds necessary to meet these low-income objectives. Pursuant to these low-income energy efficiency directives, the PUC has established the Energy Savings Assistance Program.*

*This bill would require the PUC to expand the scope of the Energy Savings Assistance Program to increase its penetration in low-income communities, and specifically to include schools, small businesses, and community centers.*

*By expanding the scope of programs funded through the nonbypassable charge on distribution adopted as part of electrical restructuring, the bill would constitute a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of <sup>2</sup>/<sub>3</sub> of the membership of each house of the Legislature.*

*Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.*

*Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by expanding what is a crime.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law provides that certain persons, such as federal criminal investigators and law enforcement officers, who are not California peace officers, are authorized to exercise the powers of arrest of a peace officer in this state under specified circumstances, including when probable cause exists to believe that a public offense that involves immediate danger to persons or property has just occurred or is being committed.~~

~~This bill would express the intent of the Legislature to enact legislation amending the provision authorizing certain persons who are not California peace officers to exercise the powers of arrest of a peace officer in this state.~~

Vote: ~~majority~~<sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) Energy efficiency technologies have been perfected to the*  
4     *point that they should be available to all Californians regardless*  
5     *of income.*

6     *(b) As these energy efficiency technologies become more*  
7     *efficient, they take on economies of scale and can be delivered to*  
8     *communities more cost-effectively.*

9     *(c) State programs, including the Energy Savings Assistance*  
10    *Program, have already made progress in delivering energy*  
11    *efficiency devices, retrofits, and techniques to low- and*  
12    *moderate-income communities.*

13    *(d) Still more efficiencies and cost savings can be achieved by*  
14    *expansion of the Energy Savings Assistance Program as well as*  
15    *other programs.*

16    *(e) Given the current economic crisis in California, the state*  
17    *has a compelling interest in promoting both aggressive expansion*  
18    *and related public education and outreach associated with energy*  
19    *efficiency programs, to increase awareness of, and participation*  
20    *in, these programs within low-income communities.*

21    *SEC. 2. Section 383 is added to the Public Utilities Code, to*  
22    *read:*

23    *383. The commission shall expand the scope of the Energy*  
24    *Savings Assistance Program to increase its penetration in*  
25    *low-income communities, and specifically to include schools, small*  
26    *businesses, and community centers.*

27    *SEC. 3. No reimbursement is required by this act pursuant to*  
28    *Section 6 of Article XIII B of the California Constitution because*  
29    *the only costs that may be incurred by a local agency or school*  
30    *district will be incurred because this act creates a new crime or*  
31    *infraction, eliminates a crime or infraction, or changes the penalty*  
32    *for a crime or infraction, within the meaning of Section 17556 of*  
33    *the Government Code, or changes the definition of a crime within*  
34    *the meaning of Section 6 of Article XIII B of the California*  
35    *Constitution.*

36    ~~*SECTION 1. It is the intent of the Legislature to enact*~~  
37    ~~*legislation amending Section 830.8 of the Penal Code, relating to*~~  
38    ~~*persons who are not California peace officers but who are*~~

- 1 ~~authorized to exercise the powers of arrest of a peace officer in~~
- 2 ~~this state.~~

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